



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: July 9, 2008
AGENDA DATE: July 16, 2008
PROJECT ADDRESS: 40 Pine Drive (MST2004-00676)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Jan Hubbell, AICP, Senior Planner *JMH*
 Kathleen Kennedy, Associate Planner *KK*

I. PROJECT DESCRIPTION

The proposal is a request for a three-year extension of the expiration date of the Tentative Subdivision Map approved by the Planning Commission on July 20, 2006. The project approved by the Planning Commission consists of a merger of two existing parcels and a subsequent subdivision to create two new parcels. Parcel A is an existing 20,839 square foot lot that contains one single family residence and a shed. Parcel B is an existing 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access along an existing private driveway to Pine Drive. The total lot area of both parcels is 22,781 square feet. The subdivision would result in one 11,216 square foot parcel and one 11,565 square foot parcel.

The discretionary applications approved for the project by the Planning Commission were:

1. A Modification to allow Parcel 1 to have no street frontage instead of the required 60 feet or less than the required 60 feet if the private portion of Pine Drive becomes public (SBMC§28.15.080);
2. A Modification to allow Parcel 2 to have no street frontage instead of the required 60 feet. (SBMC§28.15.080);
3. A Public Street Waiver to allow the approval of a subdivision where access is provided by a private road that serves more than two lots (SBMC § 22.60.300); and
4. Tentative Subdivision Map for a merger of two lots and a subdivision to create two lots (SBMC§27.07).

II. DISCUSSION

According to SBMC§27.07.110, *Expiration and Extension of Tentative Maps*, the approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved. The subdivider may request an extension of the tentative map approval not to exceed an aggregate of three (3) years beyond the expiration of the original

twenty-four (24) month period. In granting the extension, the Staff Hearing Officer may impose new conditions or revise existing conditions.

The applicant has requested a three-year extension for the following reasons: the realities of the economy at this time and the considerable road and utility expense associated with the project.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305 for the extension of time limits on an approved project where circumstances have not changed.

III. RECOMMENDATION

Staff does not recommend any new or revised conditions of approval. The project continues to conform to the City's Zoning and Building Ordinances and policies of the General Plan; therefore, Staff recommends that the Staff Hearing Officer approve a three-year time extension, to July 20, 2011, for the Tentative Subdivision Map, subject to the original conditions of approval included in Exhibit D.

Exhibits:

- A. Applicant's letter, dated June 3, 2008
- B. Planning Commission Staff Report dated March 9, 2006 (w/o exhibits)
- C. Planning Commission Staff Report dated July 20, 2006 (w/o exhibits)
- D. Planning Commission Resolution No. 032-06



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CITY OF SANTA BARBARA
PLANNING DIVISION

3 West Carrillo Street, Suite 205 Santa Barbara, CA 93101
ph: 805.962.4611 fax: 805.962.4161

L&P: P.N. 04-008.01

June 3, 2008

Ms. Kathleen Kennedy,
City of Santa Barbara
Community Development Department
630 Garden Street
Santa Barbara, CA 93102

**Subject: Planning Commission Resolution No. 32-06
Tentative Map Extension Request**

Dear Ms. Kennedy:

We are hereby requesting a three (3) year extension per City Code 27.07.110.B for the tentative map approved as PC Resolution No. 32-06.

The realities of the economy at this time and the considerable road and utility expense associated with this approved lot split have taken their toll on the timing of completion. It is the hope of the owners that this extension will assist in the ultimate completion of the project.

We thank you for your consideration. Please feel free to contact us if you have any questions.

L&P Consultants

By 
Brent Daniels
Project Manager



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: March 2, 2006
AGENDA DATE: March 9, 2006
PROJECT ADDRESS: 40 Pine Drive (MST2004-00676)

TO: Planning Commission
FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Kathleen Kennedy, Assistant Planner

I. SUMMARY

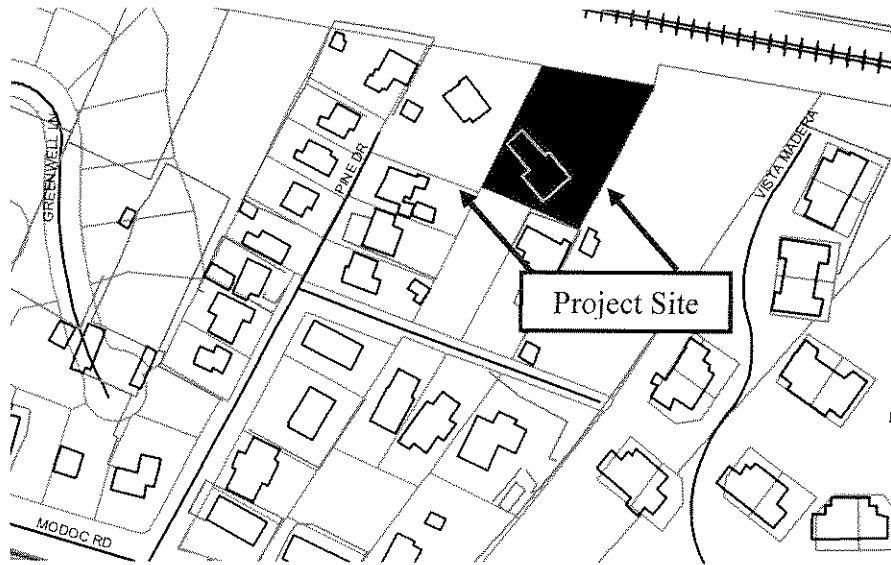
The project consists of a merger of two existing parcels and a subsequent subdivision to create two new parcels. Parcel A is an existing 20,839 square foot lot that contains one single family residence and a shed. Parcel B is an existing 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access from Pine Drive along a shared private road. The total lot area of both parcels is 22,781 square feet. After the subdivision, Parcel 1 would be 11,216 square feet and Parcel 2 would be 11,565 square feet.

The discretionary applications required for this project are:

1. A Modification to allow Parcel 1 to have no street frontage instead of the required 60 feet or less than the required 60 feet if the private portion of Pine Drive becomes public (SBMC§28.15.080);
2. A Modification to allow Parcel 2 to have no street frontage instead of the required 60 feet. (SBMC§28.15.080);
3. A Public Street Waiver to allow the approval of a subdivision where access is provided by a private road that serves more than two lots (SBMC § 22.60.300); and
4. Tentative Subdivision Map for a merger of two lots and a subdivision to create two lots (SBMC§27.07).

II. RECOMMENDATION

The proposed project conforms to the City's Zoning Ordinance and policies of the General Plan; therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VI of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 40 Pine Drive

APPLICATION DEEMED COMPLETE: December 21, 2005
DATE ACTION REQUIRED PER MAP ACT: March 11, 2006

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Brent Daniels, L and P Consultants	Property Owner:	Justin and Michelle Pawl
Parcel Number:	049-100-019	Total Lot Area:	22,781 square feet
General Plan:	Residential, 5 units per acre	Zoning:	E-3/PUD, One Family Residence/ Planned Unit Development
Existing Use:	Single Family Residence	Topography:	Varies (see below)
Adjacent Land Uses:			
North: Railroad/ Highway		East: Single Family Residential	
South: Single Family Residential		West: Single Family Residential	

B. PROJECT STATISTICS

Existing	Lot Area	Average Slope
Parcel A	20,839 square feet	11 %
Parcel B	1,942 square feet	12.9 %
Total	22,781 square feet	
Proposed	Lot Area	Average Slope
Parcel 1	11,216 square feet	6.87 %
Parcel 2	11,565 square feet	13.94 %
Total	22,781 square feet	

IV. PROJECT DESCRIPTION

The project site consists of two parcels totaling 22,781 square feet in the E-3/PUD, One Family Residence and Planned Unit Development zones. Parcel A is an existing 20,839 square foot lot with one single family residence and a shed. Parcel B is an existing fifteen foot wide, 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access from Pine Drive along a private road.

The proposal consists of a merger of the two existing parcels and a subsequent subdivision to create two new parcels. The subdivision would result in one 11,216 square foot parcel (Parcel 1) and one 11,565 square foot parcel (Parcel 2). The existing single-family residence would be on Parcel 1 and a two-car garage would replace a dilapidated carport that was removed by the new owners. Although no development is currently proposed for Parcel 2, a building envelope is shown on the Tentative Parcel Map to illustrate how a single-family residence and a two-car garage could be accommodated on the site.

V. ISSUES

A. ZONING ORDINANCE CONSISTENCY

The proposed subdivision would meet the requirements of the E-3/PUD, One Family Residence/ Planned Unit Development Zone, with the exception of the requirement that each newly created parcel have not less than sixty feet (60') of frontage on a public street; therefore, a street frontage Modification is required for each parcel. Currently, neither parcel has street frontage. Even if the shared private road were to become a public street (see private road discussion below), Parcel 1 would have only 15' of street frontage, which is less than the 60' minimum requirement.

In the E-3 zone, parcels that have an average slope under 10% require a minimum of 7,500 square feet of lot area. Parcels that have an average slope of 10% up to and including 20%

require 1.5 times the minimum lot area, or 11,250 square feet. Both Parcels 1 and 2 would meet the lot area requirements. Parcel 1, with an average slope of 6.87% and a lot area of 11,216 square feet, exceeds the minimum requirement of 7,500 square feet. Parcel 2, with an average slope of 13.94% and a lot area of 11,565 square feet, exceeds the minimum requirement of 11,250 square feet.

Parcels that are classified in a PUD zone are also classified in an A, E or R-1 base zone. If a PUD development is not proposed, any use that is permitted in the base zone (i. e. single-family residence) would be allowed on such parcels when the base zone requirements are met. A Planned Unit Development is not required. As stated previously, the proposed subdivision meets all the requirements of the Zoning Ordinance except for minimum street frontage.

B. GENERAL PLAN COMPLIANCE

A Tentative Subdivision Map is required to be consistent with the City's General Plan.

Land Use Element: The Land Use Element of the General Plan describes the project site as being located in the Westside neighborhood of the City. The Westside neighborhood consists primarily of single-family residences except for the area located between Highway 101 and San Andres Street where the General Plan calls for a density of twelve units to the acre. The proposed subdivision, which complies with the E-3 zone, is also consistent with the General Plan density of five dwelling units to the acre. The proposed parcel sizes are consistent with those in the surrounding neighborhood, which is developed with a mix of one and two-story single-family residences.

C. PRIVATE ROAD/ PUBLIC STREET

Access to the project site from Pine Drive is along a private road. Parcels on each side of the private road have a ten foot wide access easement, resulting in a paved area that is approximately twenty feet wide. Currently, the road is in need of repair; therefore, Staff recommends a condition of approval that requires the applicant to repave the private road. Once the private road is repaved, Staff would support an application to make it a public street if all of the property owners with an interest in the private road supported the application. As shown in the applicant letter, some minor encroachments would be required to be removed as part of the conversion to a public street.

Also, there are public utilities located underneath the private road. By having this private road become a public street, the City would be able to properly protect the underground utilities and would be responsible for any future repair and maintenance of the road. The applicant, with the assistance of Staff, has prepared a letter to distribute to the owners of the parcels that have access over this private road (see Exhibit D).

The Fire Department has determined the proposed fire access to be sufficient even though the existing driveway (Parcel B) is fifteen feet wide instead of the required sixteen feet, as long as all new structures on the parcels will have fire sprinkler systems and will be within 500 feet of a fire hydrant. Also, due to the lack of a turnaround area at the end of the private road, the Fire Department is requiring the dedication of an easement over the first forty-four feet of Parcel 1

for emergency access purposes. This easement dedication is shown on the Tentative Subdivision Map.

D. PUBLIC STREET WAIVER

In addition to a street frontage Modification, a public street waiver would be required to allow the approval of a subdivision where access is provided by a private road that serves more than two lots. This waiver is required only if the private road does not become a public street.

E. ENVIRONMENTAL REVIEW

Noise: According to the City's Master Environmental Assessment (MEA), the project site is located in an area of greater than 65 dBA (decibels) noise contour, with the primary noise source being the adjacent railroad and highway. During review of the project, an acoustical analysis was required in order to determine whether the noise levels can be mitigated to meet the City's requirement of 45 dbA for interior spaces and 60 dB(A) for exterior spaces. A report prepared by Davey & Associates dated March 2005, concluded that, with appropriate construction materials such as glazing, the interior noise level of a new residence on Parcel 2 would be less than 45 dbA. The report further states that all exterior living areas, such as decks and balconies, should be located on the south side of any proposed residence on Parcel 2. The applicant has incorporated the recommendations of the acoustical report into their project description. A recorded condition of approval will give future owners notice of the acoustical requirements.

Conclusion: Staff has determined that the project is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Sections 15315 (Minor Land Divisions).

VI. FINDINGS

The Planning Commission finds the following:

A. STREET FRONTAGE MODIFICATION (SBMC§28.15.080)

To approve a modification for a parcel to have no street frontage, or less than the required street frontage, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

The existing parcels currently do not have public street frontage and given their location, the required street frontage could not be attained. If the private road were to become a public street, Parcel 1 would have public street frontage, although it would be less than the required minimum width. Staff is supportive of the street frontage Modification because the two existing parcels currently do not have street frontage, it is necessary in order to secure an appropriate improvement, and there is the potential that the private road could become a public street.

B. PUBLIC STREET FRONTAGE WAIVER (SBMC§22.60.300)

1. The private road will provide adequate access to the subject property and other properties using said roadway.
2. The private road and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed private road by either of the following:
 - a. There is a recorded agreement that provides for adequate maintenance of said road, or
 - b. The owner of the subject property has agreed to adequately maintain said private road and said agreement has been or will be recorded prior to recordation of the parcel map.
4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development.

C. TENTATIVE SUBDIVISION MAP FINDINGS (SBMC§27.07.100)

The proposed Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance. The site is physically suitable for the proposed development and the density of development. The development is not likely to cause substantial environmental damage or serious public health problems nor conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

Exhibits:

- A. Conditions of Approval
- B. Tentative Parcel Map
- C. Applicant's letter dated December 12, 2005
- D. Letter to neighbors dated February 24, 2006



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: July 13, 2006
AGENDA DATE: July 20, 2006
PROJECT ADDRESS: 40 Pine Drive (MST2004-00676)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470
Jan Hubbell, AICP, Senior Planner
Kathleen Kennedy, Associate Planner

I. SUMMARY

The Planning Commission reviewed the proposed project on March 9, 2006. After much discussion and public comment, the Planning Commission continued the item for a period of 90 days. Staff allocated the applicant additional time to address the concerns heard at the meeting. The applicant has since submitted a revised tentative subdivision map and additional information for consideration by the Planning Commission.

The discretionary applications required for this project are:

1. A Modification to allow Parcel 1 to have no street frontage instead of the required 60 feet or less than the required 60 feet if the private portion of Pine Drive becomes public (SBMC§28.15.080);
2. A Modification to allow Parcel 2 to have no street frontage instead of the required 60 feet. (SBMC§28.15.080);
3. A Public Street Waiver to allow the approval of a subdivision where access is provided by a private road that serves more than two lots (SBMC § 22.60.300); and
4. Tentative Subdivision Map for a merger of two lots and a subdivision to create two lots (SBMC§27.07).

II. PROJECT DESCRIPTION

The project site consists of two parcels totaling 22,781 square feet in the E-3/PUD, One Family Residence and Planned Unit Development zones. Parcel A is an existing 20,839 square foot lot with one single family residence and a shed. Parcel B is an existing fifteen foot wide, 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access from Pine Drive along a private road.

The proposal consists of a merger of the two existing parcels and a subsequent subdivision to create two new parcels. The subdivision would result in one 11,216 square foot parcel (Parcel 1) and one 11,565 square foot parcel (Parcel 2). The existing single-family residence would be on Parcel 1 and a two-car garage would replace a dilapidated carport that was removed by the new owners. Although no development is currently proposed for Parcel 2, a building envelope is shown on the Tentative Parcel Map to illustrate how a development could be accommodated on the site.

III. DISCUSSION

On March 9, 2006, the Planning Commission approved a continuance of the proposed project so that the applicant could return to the Planning Commission with additional information. The revisions to the tentative subdivision map and additional information submitted by the applicant are summarized below:

- *Increased turnaround area and driveway width:* In response to comments made at the hearing regarding traffic, the lack of an adequate turnaround area on Pine Drive and the width of the access driveway, the applicant has worked with the owner of 46 Pine Drive to prepare an Agreement in Principle (see Exhibit D). The owner of 46 Pine Drive has agreed to dedicate a ten foot wide easement (Easement 1) to the City to create a standard size hammerhead area (22 feet wide by 54 feet deep) for the purpose of providing a turnaround area for vehicles owned by residents and guests and for emergency service vehicles. Rather than a dedication to the City, Staff has written the condition to require that the applicant demonstrate that they hold said easement. In addition, the owner of 46 Pine Drive has agreed to dedicate a six foot wide easement (Easement 2) for the benefit of proposed Lots 1 and 2 which would result in the easement for the access driveway being twenty-one feet wide instead of fifteen feet wide.
- *Survey of fence and hedge along access road:* In response to comments made regarding the precise location of the existing fence and hedge along the access driveway adjacent to 38 Pine Drive, the applicant has prepared a survey that shows that the entire existing fence is located on the 38 Pine Drive parcel and the centerline of the hedge is located within the access driveway (see Exhibit E). With the dedication of the six foot wide easement discussed above, the access driveway could be shifted slightly north, resulting in a majority of the hedge being preserved along the driveway to maintain privacy.
- *Undergrounding of utilities:* The applicant has been in discussions with the neighbors regarding undergrounding of utility lines. The undergrounding of the utilities for the subject property would be rerouted to an existing pole on the west side of Pine Drive, removing the current service from the pole located at the northwest corner of the 2410 Pine Drive property. The property owners would be willing to share the utility trenches if the owners of 38 and 46 Pine Drive wish to underground their services at the same time.
- *House size inventory:* In response to concerns expressed regarding the size of any potential new residence on proposed Lot 2, the applicant has prepared a Pine Drive Neighborhood House Size Exhibit (see Exhibit F) outlining the sizes of the existing houses and garages in the neighborhood. The exhibit demonstrates that the parcels range in size from under 5,000 square feet to 1.3 acres while the home sizes range from 756 to 3,068 square feet. The applicant has

suggested that any proposed development on the proposed parcels not be restricted in size but rather be required to be approved by the Architectural Board of Review. Because the Neighborhood Preservation Ordinance is being updated and will likely result in more detailed review of a future home or addition to the existing home, Staff concurs and this provision has been added as a condition of approval for this project.

- *Neighborhood build out:* In response to comments made regarding the potential for other lots in the immediate vicinity to subdivide and, as a result, create an increase in traffic, the applicant also listed the sizes of the existing lots in Exhibit F and concluded that both 46 Pine Drive and 2411 Pine Drive may be able to subdivide into two lots each. Only one other lot (2430 Pine Drive) is larger than the subject property, with a possibility of being split into four lots. This would result in a potential increase of six residences in the vicinity; however, only one additional lot at 46 Pine Drive would gain access from the private portion of Pine Drive.
- *Flag lot configuration:* In response to comments made regarding the creation of a new flag lot, the applicant states that there are many flag lots in the area; therefore, the proposal does not set a precedent in the neighborhood, nor is it out of character with the neighborhood. Staff has reviewed maps in the area and there are a small number of flag lots that exist.

IV. RECOMMENDATION

Staff has reevaluated the recommendation made in the previous staff report and is now recommending denial of the project. Planning Staff concurs with Public Works Staff regarding the need to have the private portion of Pine Drive become a public street prior to the creation of any additional lots using that portion of Pine Drive. This is consistent with past practice by the City regarding private vs. public streets. Crucial to this position is the understanding that, if the project were to be approved with the condition that the road become public and, subsequently, the applicants were unable to obtain the public street easement from all the property owners of the private road, the Subdivision Map Act would preclude the City from withholding the recordation of the Parcel Map. Given this, Staff would not be assured that the road would become a public street. The existing road is not currently well-maintained and there are public utilities located underneath. By having this private road become a public street, the City would be able to properly protect the underground utilities and access, and would be responsible for any future repair and maintenance of the road.

Staff recommends that the Planning Commission deny the project because the Public Street Waiver findings cannot be made.

V. FINDINGS

A. **STREET FRONTAGE MODIFICATIONS (SBMC§28.15.080)**

To approve a modification for a parcel to have no street frontage, or less than the required street frontage, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

B. PUBLIC STREET WAIVER (SBMC§22.60.300)

1. The private road will provide adequate access to the subject property and other properties using said roadway.
2. The private road and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed private road by either of the following:
 - a. There is a recorded agreement that provides for adequate maintenance of said road, or
 - b. The owner of the subject property has agreed to adequately maintain said private road and said agreement has been or will be recorded prior to recordation of the parcel map.
4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development.

C. TENTATIVE SUBDIVISION MAP (SBMC§27.07.100)

The proposed Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance. The site is physically suitable for the proposed development and the density of development. The development is not likely to cause substantial environmental damage or serious public health problems nor conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

Exhibits:

- A. Conditions of Approval
- B. Tentative Parcel Map
- C. Applicant's letter dated June 28, 2006
- D. Agreement in Principal Between Property Owners
- E. Survey of Access Road
- F. Pine Drive Neighborhood House Size Exhibit
- G. Planning Commission Minutes dated March 9, 2006
- H. Planning Commission Staff Report dated March 9, 2006



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 032-06

40 PINE DRIVE

MODIFICATIONS, PUBLIC STREET WAIVER AND TENTATIVE SUBDIVISION MAP

JULY 20, 2006

APPLICATION OF BRENT DANIELS, L AND P CONSULTANTS, AGENT FOR JUSTIN J. AND MICHELLE M. PAWL, PROPERTY OWNERS, 40 PINE DRIVE, APN 049-100-019, E-3/PUD, ONE FAMILY RESIDENCE AND PLANNED UNIT DEVELOPMENT ZONES, GENERAL PLAN DESIGNATION: RESIDENTIAL, FIVE UNITS/ACRE, (MST2004-00676)

The project was continued from the March 9, 2006 meeting of the Planning Commission. The proposal consists of a merger of two existing parcels and a subsequent subdivision to create two new parcels. Parcel A is an existing 20,839 square foot lot that contains one single family residence and a shed. Parcel B is an existing 1,942 square foot lot that serves as an access driveway for Parcel A. Both parcels have access along an existing private driveway to Pine Drive. The total lot area of both parcels is 22,781 square feet. The subdivision would result in one 11,216 square foot parcel and one 11,565 square foot parcel. A recommendation to allow the existing private driveway connecting to Pine Drive to become a public street will be considered.

The discretionary applications required for this project are:

1. A Modification to allow Parcel 1 to have no street frontage instead of the required 60 feet or less than the required 60 feet if the private portion of Pine Drive becomes public (SBMC§28.15.080);
2. A Modification to allow Parcel 2 to have no street frontage instead of the required 60 feet. (SBMC§28.15.080);
3. A Public Street Waiver to allow the approval of a subdivision where access is provided by a private driveway that serves more than two lots (SBMC § 22.60.300); and
4. Tentative Subdivision Map for a merger of two lots and a subdivision to create two lots (SBMC§27.07).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15315 (Minor Land Divisions).

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 3 people appeared to speak in favor of the application, and 5 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 13, 2006.
2. Site Plans.

3. Correspondence received in support of the project:
 - a. Bruce Burnworth, 2430 Pine Drive.
 - b. Michael and Lorie Porter, 2410 Pine Drive.
 - c. Jamie Young, 12 Pine Drive.
 - d. Ben and Shannon Titus, 32 Pine Drive.
 - e. Patrick Tack, 17 Pine Drive.
 - f. Michael Acosta, 27 Pine Drive.
4. Correspondence received in opposition to the project:
 - a. Donald Adams, 43 Pine Drive.
 - b. Martha Hogan, 43 Pine Drive.

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. *Street Frontage Modifications (SBMC§28.15.080)*

To approve a modification for a parcel to have no street frontage, or less than the required street frontage, it must be found that the modification is consistent with the purposes and intent of the Zoning Ordinance and that it is necessary to secure an appropriate improvement on a lot, prevent unreasonable hardship, or promote uniformity of improvement.

B. *Public Street Waiver (SBMC§22.60.300)*

1. The private road will provide adequate access to the subject property and other properties using said roadway.
2. The private road and adjacent paved areas will provide adequate access for fire suppression vehicles as required by applicable fire regulations, including but not limited to turnaround area, width, grade and construction.
3. There is adequate provision for maintenance of the proposed private road by either of the following:
 - a. There is a recorded agreement that provides for adequate maintenance of said road, or
 - b. The owner of the subject property has agreed to adequately maintain said private road and said agreement has been or will be recorded prior to recordation of the parcel map.
4. The waiver is in the best interests of the City and will improve the quality and reduce the impacts of the proposed development.

C. *Tentative Subdivision Map (SBMC§27.07.100)*

The proposed Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance. The site is physically suitable for the proposed development and the density of development. The development is not likely to cause substantial environmental damage or serious public health problems nor conflict with easements, acquired by the public at large, for access through or use of property within the proposed development.

II. Said approval is subject to the following conditions:

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession and enjoyment of the Real Property:

- A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property", which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 20, 2006 is limited to a subdivision to create two parcels (Parcel 1 would be 11,216 square feet and Parcel 2 would be 11,565 square feet) and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. Any future residence on Parcel 2 shall not exceed 3,000 square feet, excluding the garage.
 3. **Noise Protection Requirements.** Any future development of the Real Property shall incorporate the recommendations of the March 2005 Acoustical Analysis prepared by Davey & Associates into the project design.
 4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
 5. **Maintenance of Drainage System.** Owner shall be responsible for maintaining the drainage system in a functioning state. Should any of the project's surface or subsurface drainage structures fail or result in increased erosion, the Owner

shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building permit is required to authorize such work.

6. **Pavement Reconstruction and Maintenance of Private Road.** Owner shall be responsible for the pavement reconstruction and maintenance of the private portion of Pine Drive, including the turnaround area. Said improvements shall be constructed and maintained to the standards provided in the Subdivision Design and Improvement Standards and as approved by the Public Works Department and/or the Building and Safety Division.
 7. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Private Road Maintenance.** An express method for the appropriate and regular maintenance of the private portion of Pine Drive in accordance with condition A.6 above, turnaround area, private driveway, and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the parcels.
 - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Trash and Recycling.** Adequate space shall be provided and maintained for trash and recycling purposes.
 - d. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- B. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map for the project:
1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.

2. **Parcel Map Dedications.** Easements (as shown on the approved Tentative Subdivision Map) and shown on the Parcel Map or as a separate concurrent instrument subject to approval by the Public Works Department and/or the Building and Safety Division:
 - a. Access and Utility Easement (water, sewer, storm drainage and other utility purposes) for vehicles, pedestrians and utilities through Parcel 1 for the benefit of Parcel 2.
 - b. "Irrevocable Offer of Street Easement Deed". To the extent of Owner's interest in the existing private portion of Pine Drive, Owner shall irrevocably offer to dedicate to the City a public street easement located north of the public portion of Pine Drive.
3. **Easement.** Owners shall demonstrate that they hold an easement for the turnaround portion of the hammerhead over 46 Pine Drive approximately ten feet in width and 44 feet in length as shown on the approved Tentative Subdivision Map. Said area shall be developed as a turnaround area and shall remain open and available as such for public use.
4. **Easement.** Owners shall demonstrate that they hold an easement for access, drainage, utilities and other incidental purposes approximately six feet in width and 82 feet in length over 46 Pine Drive as shown on the approved Tentative Subdivision Map.
5. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. Said agreement will be prepared by Engineering Division Staff for the Owner's signature.
6. **Drainage Calculations** The Owner shall submit drainage calculations justifying that the existing on-site and proposed on-site drainage system adequately conveys a minimum of a 25-year storm event.
7. **Private Road Improvement Plans.** The Owner shall submit building plans for pavement reconstruction of the private portion of Pine Drive in accordance with condition A.6 above, the turnaround area, and the private driveway... As determined by the Public Works Department, the improvements shall also include connection to City water and sewer mains, preserve and/or reset any existing contractor stamps or survey monuments, and provide adequate positive drainage from site. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
8. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, prepared by Engineering Division Staff, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement. The Land Development Agreement shall require, among other

things, that the Owner shall, at its sole cost and expense, complete all of the required improvements in a good and workmanlike manner in accordance with all City standards, specifications and applicable laws, rules and regulations to the satisfaction of the City Engineer within one (1) year after the effective date of the agreement or prior to the issuance of a certificate of occupancy for any structure built on any lot or parcel shown on the Parcel Map for the Development, whichever date occurs first.

- C. **Design Review Required.** All new development on Parcels 1 and 2 shall be subject to the review and approval of the Architectural Board of Review (ABR). Any future residence on Parcel 2 shall not exceed 3,000 square feet, excluding the garage.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
 - 1. **Recordation of Parcel Map and Concurrent Agreements.** Owner shall provide evidence of recordation of the approved Parcel Map, the Agreement Relating to Subdivision Map Conditions Imposed on Real Property, and any separately recorded easements or irrevocable offers of dedication to the Public Works Department.
 - 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.
- E. **Community Development Requirements Prior to Building or Public Works Permit Application/Issuance.** The following shall be finalized prior to, and/or submitted with, the application for any Building or Public Works permit:
 - 1. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
 - 1. **Private Road Improvements.** The private road and turnaround area shall be constructed pursuant to condition A.6 above.
 - 2. **Noise Protection Requirements.** Any future development of the Real Property shall incorporate the recommendations of the March 2005 Acoustical Analysis prepared by Davey & Associates into the project design.
 - 3. **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition

compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Parcel Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
Contractor	Date
Contractor	License No.
Architect	Date
Architect	License No.
Engineer	Date
Engineer	License No.

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field for the duration of project construction for the driveway and any future home on the new parcels:

1. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
2. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day	January 1 st *
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th *
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th *

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall

contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

3. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
 - b. Storage or staging of construction materials and equipment within the public right-of-way is prohibited.
4. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
5. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements as shown on the building plans.
 3. **Complete Private Road Improvements.** Private road improvements as shown on the building plans.
 4. **Check Valve/Anti-backflow Device.** The owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross connection Specialist.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's

denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 or the provisions of the California Subdivision Map Act.

This motion was passed and adopted on the 20th day of July, 2006, by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 2 (Jostes/Larson) ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Gabriela Feliciano
Gabriela Feliciano, Commission Secretary

September 21, 2006
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

